DOWL

TECHNICAL MEMORANDUM

TO: Michelle Brown, TRPA
FROM: AnnMarie Lain, DOWL
DATE: January 24, 2024
PROJECT: Tahoe Area Plan Amendment

FINDING OF CONFORMITY CHECKLIST

General Information

Area Plan Information

Area Plan Name:	Tahoe Area Plan
Lead Agency:	Washoe County
Submitted to TRPA:	January 24, 2024
TRPA File No:	N/A

Conformity Review

Review Stage:	Final Review
Conformity Review Date:	TBD
TRPA Reviewer:	Michelle Brown

Hearing Dates

Lead Agency Approval:	February 20, 2024
APC:	April 10, 2024
RPC:	March 27, 2024
Governing Board:	April 24, 2024

Characteristics

Geographic Area	Wood Creek Regulatory Zone
Land Use Classifications:	Residential
Amendment Summary:	The proposed amendments affect the TAP Appendix A (Development Code Standards), Section 110.220.275 Wood Creek Regulatory Zone Allowable Land Uses and Section 110.220.280 Wood Creek Residential Regulatory Zone Special Policies.

Conformity Checklist		TRPA Code Section	Conformity		
			YES	NO	N/A
	A. Contents of Area Plans				
1	General	13.5.1	●		
2	Relationship to Other Code Section	13.5.2	●		
	B. Development and Community Design Standards				
Building Height					
1	Outside of Centers	13.5.3			●
2	Within Town Centers	13.5.3			●
3	Within the Regional Center	13.5.3			●
4	Within the High-Density Tourist District	13.5.3			●
Density					
5	Single-Family Dwellings	13.5.3			●
6	Multiple-Family Dwellings outside of Centers	13.5.3			●
7	Multiple-Family Dwelling within Centers	13.5.3			●
8	Tourist Accommodations	13.5.3			●
Land Coverage					
9	Land Coverage	13.5.3			●
10	Alternative Comprehensive Coverage Management	13.5.3 B.1			●
Site Design					
11	Site Design Standards	13.5.3			●
Complete Streets					
12	Complete Streets	13.5.3			●
	C. Alternative Development Standards and Guidelines Authorized in an Area Plan				
1	Alternative Comprehensive Coverage Management System	13.5.3 B.1			●
2	Alternative Parking Strategies	13.5.3 B.2			●
3	Areawide Water Quality Treatments and Funding Mechanisms	13.5.3 B.3			●
4	Alternative Transfer Ratios for Development Rights	13.5.3 B.4			●
	D. Development Standards and Guidelines Encouraged in Area Plans				
1	Urban Bear Strategy	13.5.3.C.1			●
2	Urban Forestry	13.5.3.C.2			●
	E. Development on Resort Recreation Parcels				
1	Development on Resort Recreation Parcels	13.5.3.D			●
	F. Greenhouse Gas Reduction				
1	Greenhouse Gas Reduction Strategy	13.5.3.E			●
	G. Community Design Standards				
1	Development in All Areas	13.5.3 F.1.a			●
2	Development in Regional Center of Town Centers	13.5.3 F.1.b			●
3	Building Heights	13.5.3 F.2			●
4	Building Design	13.5.3 F.3			●
5	Landscaping	13.5.3 F.4			●
6	Lighting	13.5.3 F.5			●
7	Signing – Alternative Standards	13.5.3 F.6			●
8	Signing – General Policies	13.5.3 F.6			●
	H. Modification to Town Center Boundaries				

1	Modification to Town Center Boundaries	13.5.3 G			●
	I. Conformity Review Procedures for Area Plans				
1	Initiation of Area Planning Process by Lead Agency	13.6.1			●
2	Initial Approval of Area Plan by Lead Agency	13.6.2			●
3	Review by Advisory Planning Commission	13.6.3			●
4	Approval of Area Plan by TRPA	13.6.4			●
	J. Findings for Conformance with the Regional Plan				
General Review Standards for All Area Plans					
1	Zoning Designations	13.6.5.A.1	●		
2	Regional Plan Policies	13.6.5.A.2	●		
3	Regional Plan Land Use Map	13.6.5.A.3			●
4	Environmental Improvement Projects	13.6.5.A.4			●
5	Redevelopment	13.6.5.A.5			●
6	Established Residential Areas	13.6.5.A.6	●		
7	Stream Environment Zones	13.6.5.A.7			●
8	Alternative Transportation Facilities & Implementation	13.6.5.A.8			●
Load Reduction Plans					
9	Load Reduction Plans	13.6.5.B			●
Additional Review Standards for Town Centers and the Regional Center					
10	Building and Stie Design Standards	13.6.5.C.1			●
11	Alternative Transportation	13.6.5.C.2			●
12	Promoting Pedestrian Activity	13.6.5.C.3			●
13	Redevelopment Capacity	13.6.5.C.4			●
14	Coverage Reduction and Stormwater Management	13.6.5.C.5			●
15	Threshold Gain	13.6.5.C.6			●
Additional Review Standards for the High-Density Tourist District					
16	Building and Site Design	13.6.5.D.1			●
17	Alternative Transportation	13.6.5.D.2			●
18	Threshold Gains	13.6.5.D.3			●
	K. Area Plan Amendments				
1	Conformity Review for Amendment to an Area Plan	13.6.6	●		
2	Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan – Notice	13.6.7.A			●
3	Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan – Timing	13.6.7.B			●
	L. Administration				
1	Effect of Finding of Conformance of Area Plan	13.6.8	●		
2	Procedures for Adoption of Memorandum of Understanding	13.7			●
3	Monitoring, Certification, and Enforcement of an Area Plan	13.8			●
4	Appeal Procedure	13.9			●

Conformity Review Response

A. Contents of Area Plans

1. General ☒YES ☐NO ☐NA

Citation 13.5.1

Requirement An Area Plan shall consist of applicable policies, maps, ordinances, and any other related materials identified by the lead agency, sufficient to demonstrate that these measures, together with TRPA ordinances that remain in effect, are consistent with and conform to TRPA's Goals and Policies and all other elements of the Regional Plan. In addition to this Section 13.5, additional specific requirements for the content of Area Plans are in subparagraph 13.6.5.A. The Memorandum of Understanding (MOU) that is associated with an approved Area Plan is a separate, but related, approval and is not part of the Area Plan.

Response The TAP consists of goals, policies, actions, projects, maps, ordinances, and related materials that conform to the Regional Plan. The adopted land use and zoning maps are consistent with Regional Plan Map 1, Conceptual Regional Land Use Map. No modifications to boundaries are proposed.

The proposed amendments make changes only to permissible uses of the Wood Creek Regulatory Zone in Appendix A of the TAP.

2. Relationship to Other Sections of the Code ☒YES ☐NO ☐NA

Citation 13.5.2

Requirement This section is intended to authorize development and design standards in Area Plans that are different than otherwise required under this Code. In the event of a conflict between the requirements in this section and requirements in other parts of the Code, the requirements in this section shall apply for the purposes of developing Area Plans. Except as otherwise specified, Code provisions that apply to Plan Area Statements (Chapter 11), Community Plans (Chapter 12), and Specific and Master Plans (Chapter 14) may also be utilized in a Conforming Area Plan. If an Area Plan proposes to modify any provision that previously applied to Plan Area Statements, Community Plans, or Specific and Master Plans, the proposed revision shall be analyzed in accordance with Code Chapters 3 and 4.

Response Under the proposed amendment, development and design standards comply with those prescribed in the Code. The only difference is that primary and secondary school use will be permitted with a special use permit, limited to parcels 3 acres in size are more within the Wood Creek Regulatory Zone.

J. Findings for Conformance with the Regional Plan

1. Zoning Designations ☒YES ☐NO ☐NA

Citation 13.6.5.A.1

Requirement Identify all zoning designations, allowed land uses, and development standards throughout the plan area;

Response Section 110.220.275 in Appendix A to the TAP is being amended to add primary and secondary schools as a permissible use with a special use permit, limited to parcels 3 acres in size are more within the Wood Creek Regulatory Zone. No changes to existing zoning designation or development standards are proposed.

2. Regional Plan Policies ☒YES ☐NO ☐NA

Citation 13.6.5.A.2

Requirement Be consistent with all applicable Regional Plan Policies, including but not limited to the regional growth management system, development allocations and coverage requirements;

Response The Tahoe Area Plan contains goals and policies that are in alignment with Regional Plan policies. Regional Plan Land Use Policy 4.6 encourages the development of area plans that supersede existing plan area statements and community plans or other TRPA regulations to be responsive to the unique needs and opportunities of communities.

The proposed amendment is intended to facilitate the establishment of primary and secondary schools that are not otherwise provided for within the jurisdiction. The proposed amendment promotes the general welfare of the community, lessens traffic congestion by providing education to establish within the communities they serve, facilitates the adequate provision of schools, and promotes the social advantages gained from an appropriately regulated use of land.

6. Established Residential Areas ☒YES ☐NO ☐NA

Citation 13.6.5.A.6

Requirement Preserve the character of established residential areas outside of Centers, while seeking opportunities for environmental improvements within residential areas;

Response The Wood Creek Regulatory Zone is one of 16 residential regulatory zones in the plan area. These regulatory zones focus primarily on single-family dwellings but allow other use types such as multi-family and a

broad scope of public service and resource management uses. The primary vision for residential regulatory zones is to maintain safe and functional residentially focused regulatory zones, with development that contributes to the desired community character.

The amendment request proposes an acreage restriction to preserve the existing neighborhood character throughout the internal corridors of Wood Creek Regulatory Zone. Any applicant wishing to establish a school use within the amendment location would be required to obtain an approved special use permit. The special use permit process is a site-specific review of a use that requires special appraisal to determine if the uses have the potential to adversely affect other land uses, transportation systems, public facilities, or environmental resources in the vicinity. The special use permit process requires neighborhood notification, a neighborhood meeting, and a public hearing.

K. Area Plan Amendments

1. Conformity Review for Amendment to an Area Plan ☒YES ☐NO ☐NA

Citation 13.6.6

Requirement Following approval of an Area Plan, any subsequent amendment to a plan or ordinance contained within the approved Area Plan shall be reviewed by the Advisory Planning Commission and Governing Board for conformity with the requirements of the Regional Plan. Public comment before the Governing Board shall be limited to consideration of issues raised before the Advisory Planning Commission and issues raised by the Governing Board. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the APC and Governing Board's review shall be limited to determining the conformity of the specific amendment only. If the Governing Board finds that the amendment to the Area Plan does not conform to the Regional Plan, including after any changes made in response to TRPA comments, the amendment shall not become part of the approved Area Plan

Response The proposed amendments to the TAP are narrow in focus and have been reviewed by staff for conformity with the Regional Plan. The APC's and Governing Board's review will be limited to determining the conformity of the specific amendments.

L. Administration

1. Effect of Finding of Conformance of Area Plan ☒YES ☐NO ☐NA

Citation	13.6.8
Requirement	By finding that an Area Plan conforms with the Regional Plan pursuant to the requirements of this chapter and upon adoption of an MOU pursuant to Section 13.7, the Area Plan shall serve as the standards and procedures for implementation of the Regional Plan. The standards and procedures within each Area Plan shall be considered and approved individually and shall not set precedent for other Area Plans.
Response	The Governing Board found the TAP to be in conformance with the Regional Plan on May 26, 2021. The proposed amendment will be reviewed by the Governing Board prior to going into effect.